



MAINE STATE LIBRARY

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STATE LIBRARIAN
J. Gary Nichols

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Case file
2001-22

December 24, 2003

Thomas Welch
Chairman, Maine Public Utilities Commission
242 State Street
Augusta, Maine 04333

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MAINE PUBLIC
UTIL. COMM.

Dear Chairman Welch:

As you know Maine's public libraries are in a unique situation regarding compliance with the *Children's Internet Protection Act (CIPA)*. In order to benefit from the Maine Telecommunications Educational Access Fund, 35-A MRSA Section 7104-B #6 states that "Qualified schools and qualified libraries shall apply for any federal discounts available pursuant to the federal Telecommunications Act of 1996." In order to meet this requirement and receive federal e-rate support, schools and libraries must comply with CIPA which calls for local installation of "technology protection measure(s)". Pragmatically this mandates filtering in each school and library.

Maine public libraries operate on freedom of access to information principles. For example the Maine Library Association issued the following in regard to filtering:

"... filtering devices block access to constitutionally protected speech and prevent library users from accessing materials they determine to be most suitable for themselves. Their use also comprises violation of the Library Bill of Rights. Therefore, the Maine Library Association does not recommend the use of Internet filters in libraries and opposes attempts by federal and state governments to mandate their use. The Association asserts that information access policy should be decided by local library boards and administrators."

Libraries in economically challenged areas of Maine are most impacted by this dilemma as they have to choose between violating the principle of freedom of access or giving up Internet connectivity which they can not afford on their own. Even though libraries do have the option of turning filtering off, in many libraries this presents staff challenges to already understaffed institutions. Seeking relief for public libraries by changing the current wording of the MTEAF legislation is another possible option. However, the difficulties facing the legislature during the next session will likely make this strategy futile.

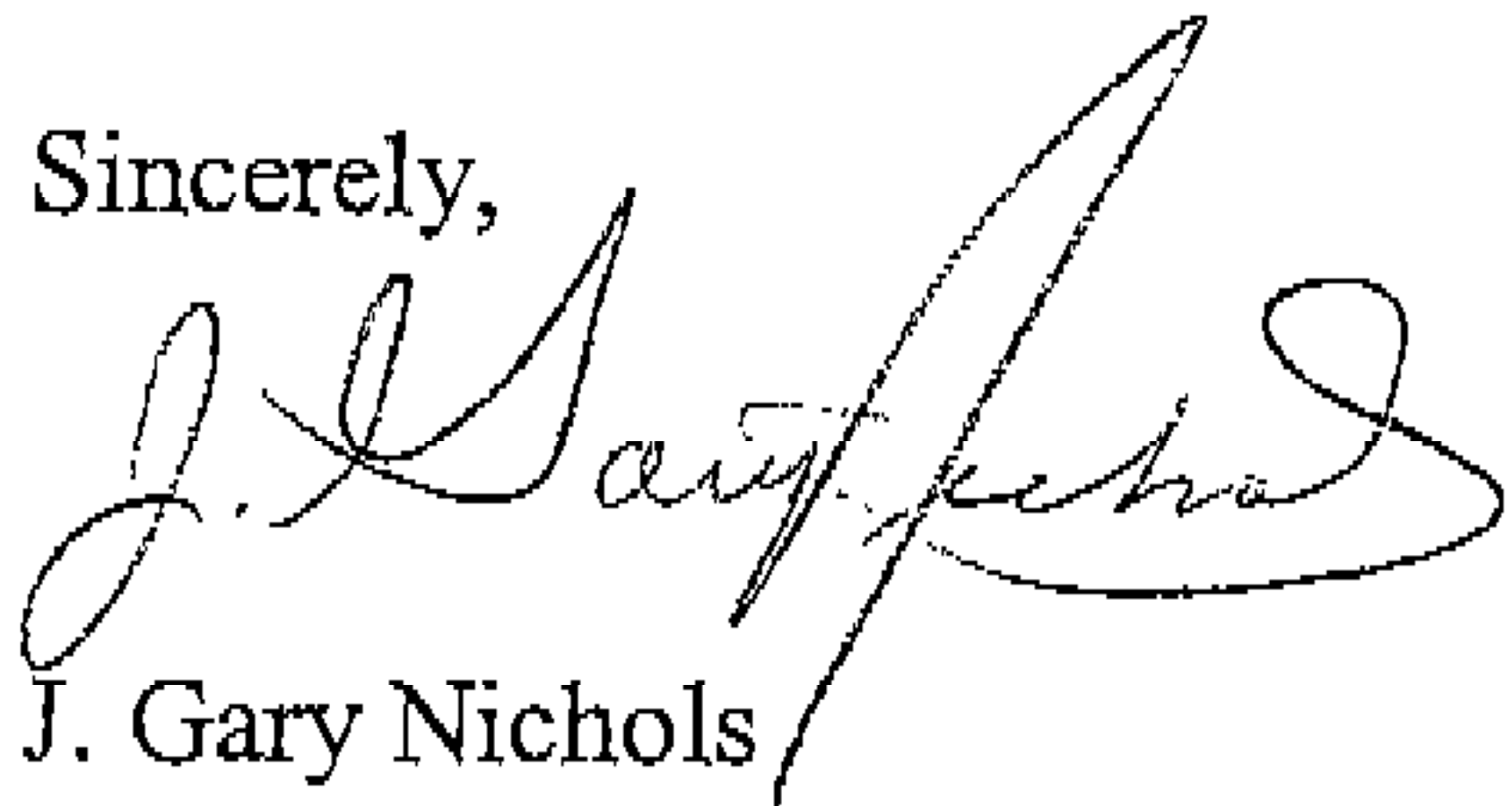
Welch
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If upheld by the State, the new Internet Service Provider contract (July 1, 2004-July 5, 2005) will charge a monthly fee of \$140 per site. MTEAF will continue paying 40% of this for the libraries that qualify by applying for e-rate support for MSLN connectivity.

Currently 260 public libraries do so. If this federal e-rate gap were to be fully funded by the MTEAF at \$84 per site, the cost per year would be \$262,080. However, knowing that this would strain the resources available through the fund, we are asking for support equivalent to 50% of the lost federal revenue with the other 50% to be paid locally. This amount of \$34 per site per month totals \$131,040 annually. In order to relieve any administrative burden, the Maine State Library is willing collect the local contribution through its business office and then turn this money over to the fund administrator.

As always we appreciate your consideration of this critical request.

Sincerely,

A handwritten signature in cursive script, appearing to read "J. Gary Nichols".

J. Gary Nichols

cc: Joanne Steneck
Phil Lindley
Elizabeth Moran, Chair, Maine Library Commission